

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday November 16, 2015 at 10:00 a.m.
Indiana Government Center-South,
Conference Center, Room #A
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Diana Bonn
Victoria Ross
Gary Odell
Gregory Kenny
Rebecca Bushong

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AMENDED AGENDA

The agenda was adopted as amended.

Bushong/O'Dell
6/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE SEPTEMBER 21, 2015 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the September 21, 2015 meeting as amended.

Ross/Bushong
6/0/0
Motion carried.

ADMINISTRATIVE HEARINGS

A. Administrative Hearing in the Matter of Brittany Norberg, BC21200637, SBCBE 11-117

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Bushong
6/0/0
Motion carried.

B. Administrative Hearing in the Matter of Michael Harney, BA08602167, SBCBE 12-71

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Bushong
6/0/0
Motion carried.

C. Administrative Hearing in the Matter of Anthony Higgins, BA11300128, SBCBE 13-100

A motion was made and seconded to remove probation.

Bonn/Bushong
6/0/0
Motion carried.

D. Administrative Hearing in the Matter of Cassandra Cullen, BC21402114, SBCBE 14-101

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Bushong
6/0/0
Motion carried.

E. Administrative Appeal Hearing in the Matter of Flava Barber & Beauty Shop, BS20700058, SBCBE 15-107

A motion was made and seconded to approve renewal of the salon without conditions. Weisheit opposed the motion.

Bonn/Bushong
5/1/0
Motion carried.

F. Administrative Appeal Hearing in the Matter of Vaneta Shoulder, SBCBE 14-156

A motion was made and seconded to agree with the Administrative Law Judge and uphold the application denial.

Bonn/Bushong
6/0/0
Motion carried.

G. Continuation of Administrative Show Cause Hearing in the Matter of Lady Bug Salon, SBCBE 14-105A

A motion was made and seconded to issue a Default order.

Bonn/ Bushong
6/0/0
Motion carried.

A motion was made and seconded to issue an Order to Cease and Desist the practice of beauty culture.

O'Dell/Bushong
6/0/0

Motion carried.

H. Administrative Hearing in the Matter of Hong T. Phan, SBCBE 15-62

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
6/0/0
Motion carried.

I. Administrative Hearing in the Matter of Olga Ferreyra Cardenas, SBCBE 15-63

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
6/0/0
Motion carried.

J. Administrative Hearing in the Matter of Niorka Maria Almonte de los Santos, SBCBE 15-64

A motion was made and seconded to issue a Notice of Proposed Default.

Ross/Bushong
6/0/0
Motion carried.

K. Administrative Hearing in the Matter of Thuy Thanh Moran, SBCBE 15-65

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/O'Dell
6/0/0
Motion carried.

L. Administrative Hearing in the Matter of Ana Lina Lorenzo, SBCBE 15-66

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/Ross
6/0/0
Motion carried.

M. Administrative Hearing in the Matter of Tram Thi Thu Nguyen, SBCBE 15-67

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/O'Dell
6/0/0
Motion carried.

N. Administrative Hearing in the Matter of Dung Ngoc Nguyen, SBCBE 15-68

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/O'Dell
6/0/0
Motion carried.

O. Administrative Hearing in the Matter of Tuyet T. Bush, SBCBE 15-69

A motion was made and seconded to issue a Notice of Proposed Default.

O'Dell/Bonn
6/0/0
Motion carried.

P. Administrative Hearing in the Matter of Saphe Thi Tran, SBCBE 15-71

A motion was made and seconded to issue a Notice of Proposed Default.

Ross.O'Dell
6/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report filed.

CONSIDERATION OF PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

A. Pro Nails, MS30600816, SBCBE 15-44

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong\Ross
6/0/0
Motion carried.

B. Hair-Tique, BS30600686, SBCBE 15-49

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

Bonn/Bushong
5/0/0
Motion carried.

PRESENTATION FROM STEPHEN HARGRAVE REGARDING THE BARBER INDUSTRY

Mr. Hargrave feels he has an understanding on how to increase barber employment and help to eliminate unsafe sanitary practice, and save money. He referenced the attempt by the Legislature to deregulate the profession three years ago. He feels deregulation would jeopardize the public in the area of sanitation. He propose a pilot program to offer an apprenticeship license for those individuals that can cut hair very well but have no means to attend the entire 1500 hour barber course in a beauty culture school. He proposed individuals attend beauty culture school to obtain the sanitation hours then obtain barber practice as an apprentice in a beauty culture salon, then pass the state examination.

The Board informed him that this would require a statute change of which they have no authority. They also informed him that the Board would not support such a change because Federal funding is readily available for those that cannot afford to pay for education and that there would be no way a barber shop could consistently train and document the training as a school is equipped to do.

PERSONAL APPEARANCE FOR COMPLIANCE WITH FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN THE MATTER OF HOLLY SPA & NAILS, SBCBE 14-104

Respondent failed to appear.

PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL IN THE MATTER OF

A. Ryan Asper, BA10700119

A motion was made and seconded to approve renewal.

Bushong/Bonn
5/0/0
Motion carried.

B. Jamie Bender, BC20806711

A motion was made and seconded to approve renewal.

Bonn/Bushong
5/0/0
Motion carried.

C. Bailey Carman, BC21200707

A motion was made and seconded to approve renewal.

Bonn/O'Dell
5/0/0
Motion carried.

D. Britney Decker, BC20703680

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until criminal proceedings are complete. Weisheit opposed the motion.

Bonn/Bushong
5/1/0
Motion carried.

E. Kyle Lorick, CA10700047

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until criminal proceedings are complete.

Bonn/Bushong
6/0/0
Motion carried.

F. Brittani Middleton, BC21200082

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until criminal proceedings are complete.

Bonn/O'Dell
6/0/0
Motion carried.

G. Tri Huu Nguyen, MA21100313

A motion was made and seconded to approve renewal. He testified that he indicated yes on the online renewal in error.

Bushong/Ross
6/0/0
Motion carried.

H. April Richardson, MA20703362

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until criminal proceedings are complete. Weisheit and Ross opposed the motion.

Bonn/Bushong
4/2/0
Motion carried.

I. Kenna Sims, BC20704476

A motion was made and seconded to approve renewal on indefinite probation with no right to petition for removal until criminal proceedings are complete.

Ross/O'Dell
6/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE REINSTATEMENT IN THE MATTER OF:

A. Amber's Beauty Salon, BS30500420

A motion was made and seconded to approve reinstatement.

Bonn/Buahong
6/0/0
Motion carried.

B. Lindsey Powell, ES20704512

A motion was made and seconded to approve reinstatement.

O'Dell/Bonn
6/0/0
Motion carried.

C. Alyssa Stillions, BC20806722

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for removal until criminal proceedings are complete.

Bonn/O'Dell
6/0/0
Motion carried.

D. Shannon Frasier (Hurt), BC29700496

A motion was made and seconded to reinstate on indefinite probation with no right to petition for removal for a period of one year.

Bushong/Ross
6/0/0
Motion carried.

E. Maria C. Nunez, BC08804472

A motion was made and seconded to reinstate the license.

Bushong/Bonn
6/0/0
Motion carried.

F. Brandi Munroe, BC20703092

A motion was made and seconded to reinstate the license.

Bonn/O'Dell
6/0/0
Motion carried.

G. Andrea Cooper, BC20806323

A motion was made and seconded to reinstate the license.

Bonn/Bushong
6/0/0
Motion carried.

CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS

A. Olgica Milenkovic, SBCBE 15-51

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bushong/O'Dell
6/0/0
Motion carried.

B. Marija Jahovic, SBCBE 15-52

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bushong/O'Dell
6/0/0
Motion carried.

REQUEST FOR WAIVER OF 820 IAC 2-2-3 OR 820 IAC 8-2-20, PASSING THE EXAMINATION WITHIN THREE YEARS OF GRADUATION

A. Carrington Bure

A motion was made and seconded to deny the request.

Bonn/O'Dell
6/0/0
Motion carried.

B. Jaleesa Fraizier

A motion was made and seconded to deny the request.

Bonn/O'Dell
6/0/0
Motion carried.

C. De'Wayne Humphrey

A motion was made and seconded to approve the request and allow one year to pass the exam. O'Dell opposed the motion.

Bushong/Bonn
5/1/0
Motion carried.

D. Asha Marie Lewis

A motion was made and seconded to deny the request.

Bonn/O'Dell
6/0/0
Motion carried.

APPOINTMENT OF RULES COMMITTEE AND SCHEDULING A MEETING TO REVIEW THE PROPOSED RULE DRAFT

Bushong, Weisheit, Ross, and Kenny will serve on a committee to consider Dr. Bushong's rule comments and to schedule a committee meeting to finalize the proposed rules. The committee will meet Monday December 7, 2015 at 10:00 a.m.

Bushong/Bonn
6/0/0
Motion carried.

CONVICTION RECORDS THAT DO NOT NEED BOARD CONSIDERATION WHEN PROCESSING NEW OR RENEWAL APPLICATIONS

A motion was made and seconded to allow staff to approve applications with only one DUI/OWI if they are not on probation and they do not have multiple driver license revocations.

O'Dell/Bonn
6/0/0
Motion carried.

APPLICATION COMMITTEE REPORT

A motion was made and seconded to accept the application committee report as follows.

Bonn/Ross
6/0/0

Motion carried.

COSMETOLOGY

A. By Examination

- Beatty, Kerry – APPROVED
- Bradford, Coila – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Bridges, Angie Renee – Tabled pending proof of completion of fines.
- Gaines, Destanee – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Gassman, Misty – APPROVED
- Greene, Jessica – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Harden, Jennifer Ann – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Hardiman, Sherri J. (MILLER) – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Hyden, Stacy N – Tabled pending completion of criminal obligations.
- Johnson, Siobhan I. – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Juday, Christine Nicole – APPROVED
- Lane, Allison K. – APPROVED
- Lester, Candice – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- McConnell, Melanie G. – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Seekins, Glenda – APPROVED
- Stevens, Kimberly Ann – APPROVED
- Tanaka, Kiyoe (Personal Appearance) – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
- Turner, Adrienne – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

Duong, Ngoc Lang Thi – APPROVED
Hildenbrand, Shannon L. – APPROVED
Jackson, Tera Elizabeth – APPROVED
Le, To Van - Denied, IC 25-8-4(a)(2), not substantially equivalent.
Tran, Thuy Thi Thanh - Denied, IC 25-8-4(a)(2), not substantially equivalent.
Vargas, Gina – APPROVED

C. Provisional

Gogna, Rinku B (previously tabled) – Denied, IC 25-8-4-2(a)(1), insufficient training.
Kha, Quyen M. – Denied, IC 25-1-11-19(b)(1), fraudulent documentation.
Tercero-Ordonez, Victor - Denied, no SSN, possible fraud, unlicensed practice.
Tran, Trinh M. – Denied, IC 25-1-11-19(b)(1), fraudulent documentation.

MANICURIST

A. By Reciprocity

Do, Kha – Denied, IC 25-8-4(a)(2), not substantially equivalent.

ESTHETICIAN

A. By Examination

Chism, China C – APPROVED
Randolph, Jessica – APPROVED

Schnur, Lauren – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations

BARBER

A. By Examination

Crose, Benjamin Andrew - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations. Applicant may not practice on anyone under the age of eighteen.

Day, Kent A. - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Moore, David – APPROVED

Perry, Craig - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Short, Zachary – APPROVED

FACILITY APPLICATIONS

A. Beauty Culture Salon

Gina's Nail, 6130 Broadway, Merrillville, IN 46410 (Personal Appearance) – APPROVED after amended application has been submitted.

Glory Nails and Spa, 594 West Main Street, Danville, IN 46122 – Denied, failed inspection.

Nail Trix, 2206 Southlake Mall, Merrillville, IN 46410 – Denied, failed inspection.

Sky Nails, 379 East 81st Avenue, Merrillville, IN 46410 (Personal Appearance) – License was issued prior to Personal Appearance. APPROVED.

ADJOURNMENT

The meeting adjourned at 5:40 p.m.